

NO. 30310

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAI'I

TARA THOMAS, DONNA THOMAS, and  
JACK THOMAS, Plaintiffs-Appellants,  
v.

AYABE CHONG NISHIMOTO SIA & NAKAMURA,  
a Hawaii limited liability law partnership,  
ALPS CORPORATION, a Montana corporation,  
and GRANT K. KIDANI, Defendants-Appellees

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT  
(CIVIL NO. 09-1-1936)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Fujise and Reifurth, JJ.)

Plaintiffs-Appellants Tara Thomas, Donna Thomas, and Jack Thomas (Appellants) appeal the December 30, 2009 Judgment of the Circuit Court of the First Circuit<sup>1</sup> (circuit court) dismissing Appellants' complaint.

On appeal, Appellants contend their complaint properly pled claims for abuse of process and harassment.

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, as

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<sup>1</sup>

The Honorable Eden E. Hifo presided.

well as the relevant statutory and case law, we conclude Appellants' appeal is without merit.

The filing of a garnishment proceeding to collect on a judgment is not a willful act in the use of a process which is not proper in the regular conduct of the proceeding, and thus, not an abuse of process. Young v. Allstate Ins. Co., 119 Haw. 403, 412, 198 P.3d 666, 675 (2008). Additionally, an alleged misrepresentation of case authority in circuit court is not an abuse of process. As well, the filing of a fraudulent conveyance case in circuit court is not an abuse of process. Appellants' harassment claim is derivative of their abuse of process claims and therefore is equally without merit.

Therefore,

IT IS HEREBY ORDERED that the December 30, 2009 Judgment of the Circuit Court of the First Circuit is affirmed.

DATED: Honolulu, Hawai'i, March 6, 2012.

On the briefs:

Steven D. Strauss  
Christopher P. Schlueter  
Travis D. Mydock  
(Law Offices of  
Steven D. Strauss)  
for Plaintiffs-Appellants

Presiding Judge

James Kawashima  
Shirley M. Kawamura  
(Kawashima Lorusso)  
for Defendant-Appellee  
Ayabe Chong Nishimoto  
Sia & Nakamura

Associate Judge

Leah M. Reyes  
(Gallagher Kane Amai)  
and  
Harvey E. Henderson, Jr.  
for Defendant-Appellee  
Grant K. Kidani

Associate Judge